THE HONOURABLE SRI JUSTICE GODA RAGHURAM

WRIT PETITION NO.4493 OF 2006

Between:

K.P.Ramanujacharyulu son of Raghavacharyulu

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….petitioner

vs.

The Commissioner of Police, Vijayawada, and eight others

….Respondents

THE HONOURABLE SRI JUSTICE GODA RAGHURAM

WRIT PETITION NO.4493 OF 2006

ORAL ORDER

The petitioner's complaint is regarding inaction by the official respondents on his complaint dated.06-03-2006. The petitioner earlier made a complaint on 10-02-2006 alleging an offence of threat of illegally eviction by the 7th respondent. According to the petitioner, the official respondents-police refused to receive the complaint and there upon the petitioner filed O.S.No.605 of 2005 on the file of the Court of III AddL Junior Civil Judge, Vijayawada

seeking a permanent injunction against the respondents 6 and 7 and obtained a *status quo* order. It is now stated that the Court has subsequently granted an order of injunction.

Be that as it may. It would appear that the respondents 8 and 9 filed a writ petition being W.P.No.3334 of 2006 before this Court alleging interference by the police in civil disputes and this Court granted interim direction on 28-02-2006 that the respondents 1 to 4 shall not interfere with the property rights of the petitioner in respect of the specified buildings. Armed with the interim order of this Court, alleges the petitioner, the respondents 8 and 9 along with some others entered the petitioner's premises on 06-3-2006 and tried to evict him by force. Thereupon he approached the police on 06-03-2006 complaining of the conduct of the respondents 8 and 9 and their supporters. The substantive complaint is that the respondents 1 to 4 have on the basis of the interim order of this Court dated.28-02-2006 in W.P.M.P.No.4147 of 2006 in W.P.No.3334 of 2006 declined even the registration of the complaint of the petitioner dated.06-03-2006. When the writ petition was moved before this Court on 07-03-2006 this Court directed the learned Government Pleader for Home to obtain instructions and listed the matter today. The learned Government Pleader has produced before this Court the relevant records, which disclose that the petitioner's complaint dated 06-03-2006 has been registered on 07-03-2006 as though the complaint was received on 07-03-2006 and that the investigation is also in progress. No further proceedings in this writ petition are therefore warranted. Suffice to clarify that the respondents 1 to 4 will not be correct in assuming that the order of this Court dated.28-02-2006 in W.P.M.P.NO.4147 of 2006 in W.P.No.3334 of 2006 amounts to suspension of the jurisdiction and authority of the police to register a complaint disclosing the commission of cognizable offence or suspending their authority to enforce the law and order under the provisions of appropriate legislation.

No further proceedings are warranted in this writ petition. Accordingly the writ petition is dismissed. In the circumstances there shall be no order as to costs.

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GODA RAGHURAM,J

9th MARCH 2006

Note:

Issue Cc in

Two(2) days.

(B/O)

*TSNR